

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

2:18-22393 Sharon R Williams

Chapter 7

Adv#: 2:19-01050 Miller v. Hancox

#1.00 Status Conference

RE: [1] Adversary case 2:19-ap-01050. Complaint by Elissa D. Miller against Donnell Hancox. (Charge To Estate). Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)), (91 (Declaratory judgment)), (11 (Recovery of money/property - 542 turnover of property)), (31 (Approval of sale of property of estate and of a co-owner - 363(h))) (Simons, Larry)

fr. 6-11-19; 12-19-19; 1-14-20; 3-10-20; 4-13-21

Docket 1

***** VACATED *** REASON: 9/7/2021 - Adversary dismissed**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharon R Williams

Pro Se

Defendant(s):

Donnell Hancox

Pro Se

Plaintiff(s):

Elissa D. Miller

Represented By
Larry D Simons

Trustee(s):

Elissa Miller (TR)

Represented By
Larry D Simons

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

2:19-20867 South Bay Investment Group, Inc.

Chapter 7

Adv#: 2:21-01117 Miller v. Lyell et al

#2.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01117. Complaint by Elissa D. Miller against Christopher Lyell, Bradley Hansen, Manhattan Beach Ventures, LLC, Prime Enterprises, Paul Johnson. (\$350.00 Fee Charge To Estate). Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)),(14 (Recovery of money/property - other)),(14 (Recovery of money/property - other)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))(Faust, Matthew)

Docket 1

***** VACATED *** REASON: CONTINUED 10-6-21 AT 10:00 A.M.**

Tentative Ruling:

9/20/2021

Order entered. Status Conference **CONTINUED to October 6, 2021 at 10:00 a.m.**, to take place concurrently with the hearing on the *Motion to Dismiss* filed by Defendants Christopher E. Lyell and Bradley K. Hansen.

Party Information

Debtor(s):

South Bay Investment Group, Inc.

Represented By
Larry D Simons

Defendant(s):

Christopher E Lyell

Pro Se

Bradley K Hansen

Pro Se

Manhattan Beach Ventures, LLC

Pro Se

Prime Enterprises LLC

Pro Se

Paul Johnson

Pro Se

**United States Bankruptcy Court
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10:00 AM

CONT... South Bay Investment Group, Inc.

Chapter 7

Plaintiff(s):

Elissa D. Miller

Represented By
Matthew Faust

Trustee(s):

Elissa Miller (TR)

Represented By
Matthew Faust

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

2:21-11120 Rafael Contreras

Chapter 7

Adv#: 2:21-01157 Parcels Law Firm v. Contreras et al

#3.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01157. Complaint by Parcels Law Firm against Rafael Contreras, Claudia Yvette Horta de Contreras. priority or extent of lien or other interest in property)),(91 (Declaratory judgment)) (Brownstein, David)

Docket 1

***** VACATED *** REASON: CONTINUED 10-12-21 at 10AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rafael Contreras

Represented By
Michael E Clark
David Brian Lally

Defendant(s):

Claudia Yvette Horta de Contreras

Pro Se

Rafael Contreras

Pro Se

Joint Debtor(s):

Claudia Yvette Horta de Contreras

Represented By
Michael E Clark
David Brian Lally

Plaintiff(s):

Parcells Law Firm

Represented By
David I Brownstein

Trustee(s):

Timothy Yoo (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

2:21-11758 Berj Warojan Makdesian

Chapter 7

Adv#: 2:21-01103 Makdesian v. United States of America, by its agency Internal R

#4.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01103. Complaint by Berj Warojan Makdesian against Internal Revenue Service, State of California Franchise Tax Board, FRANCHISE TAX BOARD. (\$350.00 Fee Charge To Estate). Nature of Suit: (66 (Dischargeability - 523(a)(1),(14),(14A) priority tax claims)) (Boice, Bruce)

Docket 1

***** VACATED *** REASON: CONTINUED 1-11-22 AT 10:00 A.M.**

Tentative Ruling:

9/20/2021

Order entered. Status Conference **CONTINUED to January 11, 2022 at 10:00 a.m.**

Party Information

Debtor(s):

Berj Warojan Makdesian

Represented By
Bruce A Boice

Defendant(s):

United States of America, by its

Pro Se

State Of California Franchise Tax

Pro Se

Plaintiff(s):

Berj Warojan Makdesian

Represented By
Bruce A Boice

Trustee(s):

Rosendo Gonzalez (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

2:21-12801 Joe Torres

Chapter 7

Adv#: 2:21-01113 Torres v. United States of America, by its agency Internal R

#5.00 Status Hearing

RE: [3] Amended Complaint FIRST by Bruce A Boice on behalf of Joe Torres against all defendants. (RE: related document(s)1 Adversary case 2:21-ap-01113. Complaint by Joe Torres against California Department of Tax & Fee Administration, State Board Of Equalization, FRANCHISE TAX BOARD, INTERNAL REVENUE SERVICE. (\$350.00 Fee Charge To Estate). Nature of Suit: (66 (Dischargeability - 523(a)(1),(14),(14A) priority tax claims)) (Boice, Bruce) WARNING: See entry [2] for corrective action. Filer to re-file amended complaint with all parties properly listed on the caption page. Modified on 6/22/2021 (Lomeli, Lydia R.). filed by Plaintiff Joe Torres). (Boice, Bruce)

Docket 3

***** VACATED *** REASON: PER ORDER ENTERED 9-20-21**

Tentative Ruling:

9/20/2021

Order entered. Status Conference **VACATED**.

Party Information

Debtor(s):

Joe Torres

Represented By
Bruce A Boice

Defendant(s):

United States of America, by its

Pro Se

State Of California Franchise Tax

Pro Se

California Department of Tax and

Pro Se

Plaintiff(s):

Joe Torres

Represented By
Bruce A Boice

**United States Bankruptcy Court
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CONT... Joe Torres

Chapter 7

Trustee(s):

Edward M Wolkowitz (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

2:21-12859 Seung Il Byun

Chapter 7

Adv#: 2:21-01124 Credit Card Services, Inc. v. Byun

#6.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01124. Complaint by Credit Card Services, Inc. against Seung Il Byun. fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Aver, Raymond)

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Seung Il Byun

Represented By
Kelly K Chang

Defendant(s):

Seung Il Byun

Pro Se

Plaintiff(s):

Credit Card Services, Inc.

Represented By
Raymond H. Aver

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 1568

10:00 AM

2:21-12859 Seung Il Byun

Chapter 7

Adv#: 2:21-01125 Credit Card Services, Inc. v. Byun

#7.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01125. Complaint by Credit Card Services, Inc. against Seung Il Byun. (a)(3), (a)(4), (a)(5) And (a)(7)]" Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Aver, Raymond)

Docket 1

***** VACATED *** REASON: CONTINUED 11-16-21 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Seung Il Byun

Represented By
Kelly K Chang

Defendant(s):

Seung Il Byun

Pro Se

Plaintiff(s):

Credit Card Services, Inc.

Represented By
Raymond H. Aver

Trustee(s):

Brad D Krasnoff (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

2:21-13027 Juan Iglesias

Chapter 7

Adv#: 2:21-01153 LOGIX FEDERAL CREDIT UNION, its successors and/or v. Iglesias

#8.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01153. Complaint by LOGIX FEDERAL CREDIT UNION, its successors and/or assignees,, Juan Iglesias against Juan Iglesias. false pretenses, false representation, actual fraud)) (Wilkinson, Reilly)

Docket 1

***** VACATED *** REASON: CONTINUED 11-9-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Iglesias

Represented By
Giovanni Orantes

Defendant(s):

Juan Iglesias

Pro Se

Plaintiff(s):

LOGIX FEDERAL CREDIT

Represented By
Reilly D Wilkinson

Trustee(s):

Howard M Ehrenberg (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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Hearing Room 1568

10:00 AM

2:16-13575 Liberty Asset Management Corporation

Chapter 11

Adv#: 2:16-01374 Official Unsecured Creditors Committee for Liberty v. Ho et al

#9.00 Status conference re Status Conference to monitor the status of the criminal action against Kirk and Gao

fr. 7-9-19; 10-15-19; 12-10-19; 2-11-20; 3-11-20; 9-8-20; 12-15-20; 4-13-21

Docket 129

***** VACATED *** REASON: CONTINUED 11-9-21 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Liberty Asset Management

Represented By
David B Golubchik
Jeffrey S Kwong
John-Patrick M Fritz
Eve H Karasik
Sandford L. Frey
Raphael Cung

Defendant(s):

Tsai Luan Ho

Represented By
James Andrew Hinds Jr
Paul R Shankman
Rachel M Sposato

Benjamin Kirk

Pro Se

Plaintiff(s):

Official Unsecured Creditors

Represented By
Jeremy V Richards
Gail S Greenwood

Bradley D. Sharp

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
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CONT...

Liberty Asset Management Corporation

Gail S Greenwood

Chapter 11

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01506 St. Francis Medical Center et al v. Beckman Coulter, Inc.

#10.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01506. Complaint by St. Francis Medical Center, Seton Medical Center against Beckman Coulter, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21; 5-4-21

Docket 1

***** VACATED *** REASON: DISMISSED 6-3-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Beckman Coulter, Inc.

Pro Se

Plaintiff(s):

St. Francis Medical Center

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
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Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01508 O'Connor Hospital et al v. Cardinal Health 414, LLC

#11.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01508. Complaint by O'Connor Hospital, Verity Health System of California, Inc. against Cardinal Health 414, LLC. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21; 5-4-21

Docket 1

***** VACATED *** REASON: CONTINUED 12-14-21 AT 10:00 AM.**

Tentative Ruling:

9/20/2021

Order entered. Status Conference **CONTINUED to December 14, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Cardinal Health 414, LLC

Represented By

Lei Lei Wang Ekvall

**United States Bankruptcy Court
Central District of California
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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

O'Connor Hospital

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01511 Verity Health System of California, Inc. et al v. Chancellor Consulting

#12.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01511. Complaint by Verity Health System of California, Inc., Verity Medical Foundation against Chancellor Consulting Group, Inc.. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21; 5-4-21

Docket 1

***** VACATED *** REASON: CONTINUED 12-14-21 AT 10:00 A.M.**

Tentative Ruling:

9/20/2021

Order entered. Status Conference **CONTINUED to December 14, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Chancellor Consulting Group, Inc.

Pro Se

**United States Bankruptcy Court
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Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Health System of California,

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Verity Medical Foundation

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01534 Verity Health System of California, Inc. et al v. Kronos Incorporated

#13.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01534. Complaint by Verity Health System of California, Inc., St. Vincent Medical Center against Kronos Incorporated. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21; 5-4-21

Docket 1

***** VACATED *** REASON: DISMISSED 7-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Kronos Incorporated

Pro Se

Plaintiff(s):

Verity Health System of California,

Represented By

Joseph L Steinfeld Jr

Tania M Moyron

**United States Bankruptcy Court
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Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

St. Vincent Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
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Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:20-01538 Verity Business Services et al v. Geisinger

#14.00 Status Hearing

RE: [1] Adversary case 2:20-ap-01538. Complaint by Verity Business Services, Seton Medical Center against Lisa Lhummel Geisinger. (14 (Recovery of money/property - other)) (Moyron, Tania)

FR. 1-19-21; 5-4-21

Docket 1

***** VACATED *** REASON: CONTINUED 12-14-21 AT 10:00 A.M.**

Tentative Ruling:

9/20/2021

Order entered. Status Conference **CONTINUED to December 14, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Defendant(s):

Lisa Lhummel Geisinger

Pro Se

**United States Bankruptcy Court
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Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Plaintiff(s):

Verity Business Services

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

Seton Medical Center

Represented By
Joseph L Steinfeld Jr
Tania M Moyron

**United States Bankruptcy Court
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Tuesday, September 21, 2021

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10:00 AM

2:18-20151 Verity Health System of California, Inc.

Chapter 11

Adv#: 2:21-01101 AppleCare Medical Group, Inc. et al v. ST. FRANCIS MEDICAL CENTER,

#15.00 Status Hearing

RE: [1] Adversary case 2:21-ap-01101. Complaint by AppleCare Medical Group, Inc., Apple Care Medical Group St. Francis Inc. against ST. FRANCIS MEDICAL CENTER, a California nonprofit public benefit corporation, Howard Grobstein. (14 (Recovery of money/property - other)) (Montgomery, Susan) WARNING: Address changed from 1925 Century Park East Ste 2000, Los Angeles, CA 90067 to 1100 Glendon Avenue, 15th Floor, Los Angeles, CA 90024. Modified on 6/9/2021 (Lomeli, Lydia R.). WARNING: See entry [8] for corrective action. Address changed from 1925 Century Park East Ste 2000, Los Angeles, CA 90067 to 1100 Glendon Avenue, 15th Floor, Los Angeles, CA 90024.

Docket 1

***** VACATED *** REASON: DISMISSED 7-19-21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Verity Health System of California,

Represented By

Samuel R Maizel

John A Moe II

Tania M Moyron

Claude D Montgomery

Sam J Alberts

Shirley Cho

Patrick Maxcy

Steven J Kahn

Nicholas A Koffroth

Kerry L Duffy

Brigitte G McGrath

Gary D Underdahl

Nicholas C Brown

Anna Kordas

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10:00 AM

CONT... Verity Health System of California, Inc.

Chapter 11

Mary H Haas
Robert E Richards
Lawrence B Gill
Richard Reding

Defendant(s):

ST. FRANCIS MEDICAL	Pro Se
Howard Grobstein	Pro Se

Plaintiff(s):

AppleCare Medical Group, Inc.	Represented By Susan I Montgomery
Apple Care Medical Group St.	Represented By Susan I Montgomery

Trustee(s):

Howard Grobstein Liquidating	Represented By James Cornell Behrens
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**United States Bankruptcy Court
Central District of California
Los Angeles
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Tuesday, September 21, 2021

Hearing Room 1568

10:00 AM

2:21-16276 GIA Development, LLC

Chapter 11

#16.00 Status Hearing

RE: [1] Chapter 11 Involuntary Petition Against an Individual. LLC : AVFUND
CAPITAL GROUP, INC. (attorney William H Brownstein). (Brownstein, William)

Docket 1

***** VACATED *** REASON: CONITNUED 10-5-21 AT 10:00 A.M.**

Tentative Ruling:

9/20/2021

Order entered. Status Conference **CONTINUED** to **October 5, 2021 at 10:00 a.m.**

Party Information

Debtor(s):

GIA Development, LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
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Tuesday, September 21, 2021

Hearing Room 1568

11:00 AM

2:18-14919 Juan Carlos Padilla-Reynoso and Sylvia Padilla

Chapter 7

#100.00 Hearing
RE: [38] Motion for fine and/or disgorgement of fees against bankruptcy petition preparer Jose Casares; request for 110(j)(3) injunction (Maroko, Ron)

Docket 38

Tentative Ruling:

9/20/2021

Note: Parties may appear at the hearing either in-person or by telephone. Parties electing to appear in-person shall comply with all requirements regarding social distancing, use of face masks, etc. which may be in effect at the time of the hearing. Parties electing to appear by telephone should contact CourtCall at 888-882-6878 no later than one hour before the hearing.

For the reasons set forth below, the Motion is GRANTED.

Pleadings Filed and Reviewed

1. Notice of Motion and Motion under 11 U.S.C. § 110(h)(5) for Fines Against Bankruptcy Petition Preparer for Failing to Comply with a Court Turnover Order; Request for Injunction under 11 U.S.C. § 110(j)(3) [Doc. No. 38] (the "110 Motion")
 1. Declaration of Ron Maroko [Doc. No. 38] (the "Maroko Declaration")
2. Order on U.S. Trustee's Motion under 11 U.S.C. § 110 for Fines and/or Disgorgement of Fees Against Bankruptcy Petition Preparer [Doc. No. 31] (the "Order")
3. As of the date of issuance of this tentative ruling, no opposition is on file

I. Facts and Summary of Pleadings

On August 29, 2019, this Court's Order was entered on the docket requiring bankruptcy petition preparer Jose Casares (the "Respondent") to pay debtors Juan Carlos Padilla-Reynoso and Silvia Padilla \$100.00 within thirty (30) days of the entry of the order (hereafter "Order"). Respondent was also ordered to pay fines to the

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CONT... Juan Carlos Padilla-Reynoso and Sylvia Padilla

Chapter 7

United States Trustee (the "UST"), within thirty (30) days of the entry of the order. The Order was not appealed. Respondent was required to file a declaration with the Court attesting to his compliance with the Order within forty-five (45) days of entry of the order. Failure to file the declaration was presumptive evidence that payment was not made. More than forty-five days have passed since the date of entry of the order and the due date for payment has also passed.

The UST seeks an order assessing fines and/or disgorgement of fees against Respondent. The UST alleges that Respondent is a bankruptcy petition preparer within the meaning of section 110(a)(2), having received compensation from the debtors in this case for preparing the debtors' bankruptcy petition and schedules. The UST further alleges that Respondent's actions or omissions in connection with this Court's Order to pay Juan Carlos Padilla-Reynoso and Silvia Padilla (the "Debtors") is in violation of section 110(h)(5). Accordingly, the UST requests that this Court assess \$500 in fines against Respondent for failure to pay the Debtors as required under this Court's Order, order the immediate turnover of the funds and payment of all amounts ordered to be paid by the Bankruptcy Court in this case, and enjoin Respondent from acting as a bankruptcy petition preparer.

II. Findings of Fact and Conclusions of Law

1. Bankruptcy Petition Preparer

Section 110(a) defines "bankruptcy petition preparer" as a "person, other than an attorney for the debtor or an employee of such attorney under the direct supervision of such attorney, who prepares for compensation a document for filing[.]"

In the Court's previous Order [Doc. No. 31], the Court found Respondent to be a bankruptcy petition preparer within the definition set forth in 11 U.S.C. § 110(a).

2. Violations of 11 U.S.C. § 110

As stated above, the Court finds that Respondent is a bankruptcy petition preparer and therefore may be liable for violation of 11 U.S.C. § 110.

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11:00 AM

CONT... Juan Carlos Padilla-Reynoso and Sylvia Padilla

Chapter 7

a. Violation of § 110(h)(5)

Section 110(h)(5) allows the Court to fine a petition preparer up to \$500 for each failure to comply with a Court turnover order. On August 29, 2019, Respondent was ordered to pay the Debtors \$100. Order at 2. Respondent did not appeal the Order and has not filed a declaration attesting to its compliance with the Order. 110 Motion at 2. More than forty-five days have passed since entry of the Order and Respondent has failed to make the required payments. Maroko Declaration Exhibit 2. Based on the foregoing, the Court finds Respondent failed to comply with this Court's turnover Order.

b. Enjoining of Bankruptcy Petition Preparer

In 2005, Congress amended section 110, adding section 110(j)(3), which allows the Court to enjoin a preparer who fails to comply with a previous Court order. Specifically, section 110(j)(3) states:

"The Court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued on the motion of the court, the trustee, or the United States trustee..."

11 U.S.C. § 110(j)(3).

Under this subsection, the Court may enjoin a bankruptcy petition preparer from engaging in any conduct in violation of this section or from further acting as a bankruptcy petition preparer. *See In re Bernales*, 345 B.R. 206, 228 (Bankr. C.D. Cal. 2006) (issuing permanent injunction after prior violations of section 110).

Respondent has failed to comply with this Court's previous Order issued under this section 110. *See* Maroko Declaration Exhibit 2 at 15 (evidencing the Court's entry of an order for disgorgement and Respondent's subsequent failure to lodge any attestation of compliance with the order). Accordingly, the Court finds the requirements of § 110(j)(3) to be satisfied.

c. Payment of this Court's Previous Order

On August 29, 2018, this Court ordered Respondent to pay \$4,000 in fines for eight violations of § 110 and ordered the turnover of any fees received in excess of the

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Ernest Robles, Presiding
Courtroom 1568 Calendar**

Tuesday, September 21, 2021

Hearing Room 1568

11:00 AM

CONT... **Juan Carlos Padilla-Reynoso and Sylvia Padilla** **Chapter 7**

reasonable value of the services performed with respect to that case. *See* Order at 5. Respondent failed to comply with the Order, neither paying the fines for violation of § 110 nor turning over the excessive fees paid in connection with this case. *See* Maroko Declaration Exhibit 2. As such, the Court finds Respondent to be in violation of its previous Order and incorporates said Order in this Court's tentative ruling on this 110 Motion.

Based on the foregoing, the Motion is GRANTED, as set forth below:

1. Respondent is liable for violation of 11 U.S.C. § 110, warranting an order assessing \$500 in fines against Respondent, to be turned over to the UST's office within thirty-days of the entry of a tentative ruling on this 110 Motion.
2. Respondent is ordered to pay all amounts under the prior Order and all other amounts ordered to be paid by the Bankruptcy Court in this case within forty-five days of entry of a tentative ruling on this 110 Motion.
3. Respondent is hereby enjoined from acting as a bankruptcy petition preparer in the Central District of California, whether over the internet, via e-mail, computer software, or any other electronic transmission, or by any other means. A copy of this order shall be posted on the Court's website constituting notice of this injunction against Respondent.
4. If Respondent fails to pay the amounts set forth in this 110 Motion, the UST may take such actions appropriate to enforce this 110 Motion against Respondent.

The UST shall lodge a conforming order, incorporating this ruling by reference to its docket number, within 7 days of the hearing.

No appearance is required if submitting on the court's tentative ruling. If you intend to submit on the tentative ruling, please contact Daniel Koontz or Landon Foody at 213-894-1522. **If you intend to contest the tentative ruling and appear, please first contact opposing counsel to inform them of your intention to do so.** Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required. If you wish to make a telephonic

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appearance, contact Court Call at 888-882-6878, no later than one hour before the
hearing.

Party Information

Debtor(s):

Juan Carlos Padilla-Reynoso	Pro Se
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Joint Debtor(s):

Sylvia Padilla	Pro Se
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Trustee(s):

Elissa Miller (TR)	Pro Se
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